



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KMT/NMA
F. #2020R00304

271 Cadman Plaza East
Brooklyn, New York 11201

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By ECF and Email

Murray E. Singer, Esq.
(counsel for Darrius Sutton)
14 Vandeventer Ave., Suite 147
Port Washington, NY 11050
msingerlaw@gmail.com

Gary L. Cutler, Esq.
(counsel for Tyshawn Sumpter)
160 Broadway, Suite 600
New York, NY 10038-4217
garycutlerlaw@gmail.com

Peter E. Quijano, Esq.
(counsel for Corey Williams)
Quijano Ennis & Wideris
305 Broadway, Floor 7
New York, NY 10007
peter@qandlaw.com

Carlos M. Santiago, Jr., Esq.
(counsel for Andrew Simpson)
11 Broadway, Suite 615
New York, NY 10004
carlos@santiagolawnyc.com

James Roth, Esq.
(counsel for Ronnie Warren)
Stampur & Roth
299 Broadway, Suite 800
New York, NY 10007
jamesrothesq@gmail.com

Christopher Wright, Esq.
(counsel for Trava Selby)
305 Broadway, Suite 1001
New York, NY 10007
Wrightlawnyc@gmail.com

Re: United States v. Darrius Sutton, et al
Criminal Docket No. 20-CR-323 (S-3) (AMD)

Dear Counsel:

Enclosed please find additional discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure.¹ The discovery disclosed herein supplements the

¹ The discovery described in this letter was sent to the court-appointed Coordinated Discovery Attorney for distribution to counsel of record consistent with the protective order entered by the Court on June 14, 2022 (CM/ECF Dkt. No. 69).

government's previous production on May 5, 2022, May 23, 2022, June 17, 2022, August 9, 2022, August 17, 2022 and September 13, 2022. The government renews its request for reciprocal discovery from the defendants.

Please note that the information previously disclosed as Discovery Exhibit 95 should have been marked "SENSITIVE-ATTORNEY'S EYES ONLY." Exhibit 95 is a .pdf version of the three cellphone extractions previously produced as Exhibit 90, which was correctly marked "SENSITIVE-ATTORNEY'S EYES ONLY." Please update your records so that Exhibit 95 is also marked "SENSITIVE-ATTORNEY'S EYES ONLY."

Discovery Ex. No.	Bates Range	Description	Designation ²
207	BR 9499	Redacted November 29, 2016 NYPD report	
208	BR 9500	Redacted informational poster containing an image from 353 Chester St Video	
209	N/A	Information obtained from a cellphone searched pursuant to warrant disclosed as Discovery Ex. 143	SENSITIVE – ATTORNEY'S EYES ONLY
210	BR 9501-9694	Medical records for victim of Aug. 16, 2021 shooting	SENSITIVE – ATTORNEY'S EYES ONLY

The government discloses the following information related to Counts One, Three and Four of the third superseding indictment. At trial, the government expects that it will offer evidence that, on or about November 23, 2016, defendants Darrius Sutton, Trava Selby, Andrew Simpson and Corey Williams shot at and attempted to assault with a deadly weapon and kill John Doe #1 in the vicinity of Bristol Street and Livonia Avenue in Brooklyn, New York, in furtherance of the conspiracies alleged in Counts One, Three and Four of the third superseding indictment (the "November 23 Shooting"), and in retaliation for an incident earlier that same day in which defendant Ronnie Warren was shot. Among other evidence related to the November 23 Shooting, the government has disclosed a surveillance

² This column indicates whether the discovery exhibit has been identified as "SENSITIVE" or "SENSITIVE – ATTORNEYS' EYES ONLY" in accordance with the protective order entered by the Court on October 26, 2020.

video related to the shooting (Discovery Exhibit (“Ex.”) 104), information about the seizure of a firearm used in the November 23 Shooting that was owned by a member of the Bamalife enterprise (Exs. 105, 106, 107A-B, 108, 109), information about a vehicle used by the defendants in the November 23 Shooting (Ex. 110), and information related to two shootings that also occurred on November 23, 2016 that are related to the November 23 Shooting, including the incident in which Ronnie Warren was shot, referenced above (Exs. 111-117).³

As described in the New York City Police Department (“NYPD”) report disclosed as Discovery Exhibit 207, shortly after the November 23 Shooting, the NYPD recovered two videos that it believed to be related to the November 23 Shooting. One video — disclosed as Discovery Exhibit 104 — was recovered from 375 Bristol Street in Brooklyn. The other video was recovered from the offices of the Marcus Garvey Apartments, located at 353 Chester Street (the “353 Chester St. Video”). As described in Discovery Exhibit 207, the 353 Chester St. Video showed “what appear[ed] to be a silver Infinity X35” that may have been involved in the November 23 Shooting. The informational poster enclosed as Discovery Exhibit 208 contains what appears to be a still image from the 353 Chester St. Video.

At the government’s request, the NYPD and the Marcus Garvey Apartments have conducted a search of their records, but neither has retained a copy of the 353 Chester St. Video.

³ This description is intended to put the information disclosed herein into context and is not a full description of all the evidence the government would offer related to the November 23 Shooting, or the circumstances surrounding the November 23 Shooting, at trial in connection with Counts One, Three and Four.

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Kevin Trowel
Kevin Trowel
Nicholas Axelrod
Assistant U.S. Attorneys
(718) 254-7000

Enclosures

cc: Clerk of the Court (AMD) (by ECF) (without enclosures)